IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8846 of 2004

Kum.Rehan Abner Pingle ..Petitioner

vs.

1. The Principal
Indian Education Society's
Primary School, Mulund
and others ..Respondents

Shri M.S.Lagu for petitioner
Shri P.M.Patil, A.G.P. for respondent Nos. 4 and 5.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
1st December,2004

P.C.

1. Heard Advocates.

2. By this petition under Article 226, the petitioner is seeking to challenge the order dated 14th October, 2004 passed by the Deputy Director of Education, Brihanmumbai Division, Mumbai declining to rectify the mistake committed by the school authroities in recording the religion of the petitioner as "Hindu" instead of "Jew" in the School Leaving Certificate. The Deputy Director has held that he has no jurisdiction to direct rectification of the mistake in the school leaving certificate.

3. In Writ Petition (Ld) No.2264 of 2004, Division Bench presided over by the Hon'ble the Chief Justice by order dated 21st September, 2004 directed the Deputy Director to treat the writ petition as a representation made by the petitioner and decide the same within six weeks. The petitioner has submitted the available material before the Deputy Director to show that he is "Jew". The Deputy Director, however, held that there is no provision for making a change in the religion and, therefore, prayer of the petitioner for correcting the religion from Hindu to Jew cannot be accepted.

3. The learned Counsel for the petitioner drew our attention to para 26.4 of the Secondary School Code which provides for an application for change and correction of the date of birth, name, surname, caste etc. as entered in the general register. This provision lays down that in bonafide case an obvious mistake which is noticed after issuance of the school leaving certificate can be corrected by following the procedure laid down in Appendix VI of the Secondary Code. Therefore, the Deputy Director was not right in holding that he had no power to make necessary correction in the school leaving certificate.

4. We have gone through the documentary evidence produced by the petitioner and we are satisfied that the petitioner Jew religion and the entry made in the certificate showing his religion as "Hindu" is obvious mistake. We, therefore, allow the petition and direct the respondents to correct the school leaving certificate showing the petitioner’s religion as "Jew" instead of "Hindu" in the school leaving certificate and issue a copy of corrected school leaving certificatre to the petitioner within 4 weeks.

5. Petition is disposed of accordingly.